

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN P. CHARTERS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

JOHN HANCOCK LIFE INSURANCE
COMPANY (U.S.A.)

Defendant.

CIVIL ACTION
No. 1:07-cv-11371-NMG

**DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S CLASS ACTION COMPLAINT**

Defendant John Hancock Life Insurance Company (U.S.A.) ("Defendant") respectfully moves this Court for an order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing the Class Action Complaint in this matter for the reasons set forth in the accompanying Memorandum in Support of Defendant's Motion to Dismiss Plaintiff's Class Action Complaint and appendices thereto, and granting such other and further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Defendant hereby requests oral argument on this Motion.

Dated: October 5, 2007

Respectfully Submitted,

/s/ James O. Fleckner

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**John Hancock Life Insurance Company
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LOCAL RULE 7.1(A)(2) CERTIFICATE
AND CERTIFICATE OF SERVICE

I, James O. Fleckner, counsel for Defendant John Hancock Life Insurance Company (U.S.A.), hereby certify that I conferred on October 4, 2007 with counsel for Plaintiff John P. Charters, on the matter set forth herein in a good faith effort to resolve or narrow the issues presented in this motion prior to filing, and that counsel for the parties were unable to resolve or narrow the issues.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 5, 2007.

/s/ James O. Fleckner

James O. Fleckner